UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

C.B., a minor, by and through Sheri Barlow and Earl Barlow, as parents and natural guardians,
Plaintiff

v.

C.A. No. 14-381-S-PAS

Town of North Providence, by and through its Treasurer, JUSTIN CAMBIO, MELINDA A. SMITH and JOAN PICCARDI,
Defendants

ANSWER

Now come Defendants, the Town of North Providence, by and through its Treasurer, Justin Cambio, Melinda A. Smith and Joan Piccardi, and answer the plaintiff's complaint, as follows:

1. These defendants deny the allegations in the unnumbered paragraph of the plaintiff's complaint entitled "Introductory Statement".
2. These defendants admit the allegations contained in Paragraph Nos. 1, 2, 3 and 4 of that portion of the plaintiff's complaint entitled "Parties".
3. These defendants deny the allegations contained in Paragraph No. 6 of that portion of the plaintiff's complaint entitled "Jurisdiction".
4. These defendants deny the allegations contained in Paragraph No. 7 of the portion of the plaintiff's complaint entitled "Venue".
5. These defendants admit the allegations contained in Paragraph Nos. 8 and 11 of that portion of the plaintiff's complaint entitled "Material Facts".

6. These defendants deny the allegations contained in Paragraph Nos. 9, 10, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29 and 30 of that portion of the plaintiff's complaint entitled "Material Facts".
7. These defendants deny the allegations contained in Paragraph No. 31 contained in the "Prayers for Relief" portion of the plaintiff's complaint.
8. These defendants deny the allegations contained in Paragraph No. 32 of Count One of the plaintiff's complaint.
9. These defendants deny the allegations contained in Paragraph No. 33 of Count Two of the plaintiff's complaint.
10. These defendants deny the allegations contained in Paragraph No. 34 of Count Three of the plaintiff's complaint.
11. These defendants deny the allegations contained in Paragraph No. 35 of Count Four of the plaintiff's complaint.
12. These defendants deny the allegations contained in Paragraph No. 36 of Count Five of the plaintiff's complaint.
13. These defendants deny the allegations contained in Paragraph No. 37 of Count Six of the plaintiff's complaint.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

These defendants plead absolute and qualified immunity as a bar to the within complaint.

SECOND AFFIRMATIVE DEFENSE

These defendants plead all forms of statutory and common law immunity as a bar to the within complaint.

THIRD AFFIRMATIVE DEFENSE

These defendants plead the public duty doctrine as a bar to the within complaint.

FOURTH AFFIRMATIVE DEFENSE

These defendants plead the statutory cap on damages as a bar and restriction on the amount of damages recoverable in this matter.

FIFTH AFFIRMATIVE DEFENSE

These defendants plead that the claimed damages are the result of other persons, firms or corporations alleged conduct for whose conduct these defendants are not responsible.

SIXTH AFFIRMATIVE DEFENSE

These defendants plead that the claimed damages are, in whole or in part, the result of the conduct of some or all of the plaintiffs for which these defendants are not responsible.

SEVENTH AFFIRMATIVE DEFENSE

These defendants plead assumption of risk as a bar to the within defense.

EIGHTH AFFIRMATIVE DEFENSE

If plaintiff suffered injury or damage, such injury or damage was caused by intervening acts or omissions of third parties over whom these Defendants exercise no control and for whose conduct these Defendants bear no responsibility.

NINTH AFFIRMATIVE DEFENSE

Plaintiffs are not entitled to punitive damages.

These defendants hereby request a jury trial.

Defendants,
By their attorneys,

/s/Marc DeSisto

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CERTIFICATION OF SERVICE

I hereby certify that the within document has been electronically filed with the Court on this 29th day of August, 2014, and is available for viewing and downloading from the ECF system. Service on the counsel of record, as listed below, will be effectuated by electronic means:

Michael D. Pushee, Esq.

/s/Marc DeSisto
Marc DeSisto